

HOUSE BILL No. 1361

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3-38.5; IC 25-41.

Synopsis: Locksmith registration. Requires locksmiths to be registered. Requires the state police department to administer the registration program and conduct a national criminal history background check for each registration applicant.

Effective: July 1, 2005.

Brown C, Alderman

January 13, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1361

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-13-3-38.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal
3 P.L.92-544 (86 Stat. 1115), the department may use an individual's
4 fingerprints submitted by the individual for the following purposes:

5 (1) Determining the individual's suitability for employment with
6 the state, or as an employee of a contractor of the state, in a
7 position:

8 (A) that has a job description that includes contact with, care
9 of, or supervision over a person less than eighteen (18) years
10 of age;

11 (B) that has a job description that includes contact with, care
12 of, or supervision over an endangered adult (as defined in
13 IC 12-10-3-2), except the individual is not required to meet the
14 standard for harmed or threatened with harm set forth in
15 IC 12-10-3-2(a)(3);

16 (C) at a state institution managed by the office of the secretary
17 of family and social services or state department of health;



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(D) at the Indiana School for the Deaf established by IC 20-16-2-1;

(E) at the Indiana School for the Blind established by IC 20-15-2-1;

(F) at a juvenile detention facility;

(G) with the gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the professional standards board established under IC 20-1-1.4.

(3) Determining the individual's suitability for registration as a registered locksmith under IC 25-41.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 2. IC 25-41 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 41. REGISTERED LOCKSMITHS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Department" refers to the state police department.

Sec. 3. "Locksmith services" means:

(1) repairing, rebuilding, servicing, adjusting, or installing a

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1 mechanical or an electronic locking device, safe, vault, or safe
2 deposit box; or

3 (2) operating a device described in subdivision (1) by a means
4 other than that intended by the manufacturer of the device.

5 Sec. 4. "Registered locksmith" means an individual who is
6 registered by the department under this article.

7 Chapter 2. Registration

8 Sec. 1. After December 31, 2005, an individual may not do any
9 of the following unless the individual registers with and pays the
10 registration fee required by the department:

11 (1) Perform locksmith services for compensation.

12 (2) Use the title "registered locksmith".

13 Sec. 2. An applicant for registration under this chapter must
14 complete an application form provided by the department.

15 Sec. 3. The department shall:

16 (1) adopt rules under IC 4-22-2 to establish:

17 (A) an application for registration;

18 (B) a registration fee for issuance and renewal of
19 registration or duplicate registration, including
20 reimbursement for the costs of conducting a national
21 criminal history background check under subdivision (2);

22 (C) a procedure for renewing a registration or issuing a
23 duplicate registration issued under this chapter; and

24 (D) any other procedures necessary to conduct a national
25 criminal history background check under subdivision (2);

26 (2) conduct a national criminal history background check (as
27 defined in IC 10-13-3-12) for an applicant for registration
28 under this chapter; and

29 (3) issue an identification card to an individual who registers
30 under this chapter.

31 Sec. 4. A registration and an identification card issued under
32 this chapter are valid for two (2) years and may be renewed
33 according to rules adopted by the department.

34 Sec. 5. (a) An applicant for registration under this chapter must
35 provide the department with the following information concerning
36 the applicant:

37 (1) Complete name.

38 (2) Date of birth.

39 (3) Residential address.

40 (4) Business name, address, and telephone number.

41 (5) Fingerprints.

42 (6) Any other information required for a national criminal

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history background check under section 3 of this chapter.

(b) The department may not approve an application for registration under this chapter if:

- (1) the applicant has been convicted of a felony within the ten (10) years preceding the date of the application; or
- (2) the department determines that any information supplied in the application is false.

(c) An individual who is registered under this chapter must inform the department not later than sixty (60) days after a change in the information provided under this section.

(d) The department may revoke the registration of an individual if:

- (1) the department determines that any information supplied by the individual under this section is false; or
- (2) the individual fails to update registration information under this section.

Sec. 6. (a) An individual may not:

- (1) perform locksmith services;
- (2) profess to be a registered locksmith;
- (3) use the title "registered locksmith";
- (4) use any other title containing the words "registered locksmith"; or
- (5) use any other:
 - (A) words;
 - (B) letters;
 - (C) abbreviations; or
 - (D) insignia;

indicating or implying that the individual is a registered locksmith;

unless the individual is registered under this chapter.

(b) An individual who violates subsection (a) commits a Class A infraction.

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